

REMARKS

The undersigned would like to extend his appreciation to the Examiner and the Supervisory Examiner for the courtesies extended during a telephone conference on July 22, 2004 regarding the examination of the instant application and possible amendments to the claims to render them allowable.

The Office Action mailed April 22, 2004 has been carefully considered. Claims 1, 2, 4, 6, 8, 10, 11, 15, 16, 17 and 19 have been amended, and claims 12 and 18 have been cancelled without prejudice or disclaimer of the subject matter contained therein. The application now contains Claims 1-11 and 13-17 and 19. As the number of independent claims and the total number of claims has not increased, no new fees are required for the new claims. However, inasmuch as this Amendment is being filed with a Request for a one month extension, the fee for such extension is enclosed.

In the Office Action, the Examiner objected to the abstract as being over 150 words and for containing legal phraseology such as "means" and "said." Applicants have amended the abstract so as to reduce the number of words to fewer than 150 and to remove the legal phraseology.

The Examiner objected to claims 2, 10, 15, 16, 18 and 19 because of certain informalities, and rejected claims 1-19 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Examiner directed applicants' attention to the uncertainty and/or lack of antecedent basis in the language of claims 1, 5, 6, 7, 10, 11 and 15-19.

Applicants have amended these claims so as to address each of the Examiner's concerns, and applicants believe the Examiner's Section 112 rejection is now moot.

The Examiner also rejected claims 1-10, 13-16 and 19 under 35 U.S.C. §103(a) as being unpatentable over Caputi (U.S. Patent No. 5,980,260) in view of Numoto (U.S. Patent No. 5,380,233) and U.S. Patent Application Publication No. 2003/0171062 A1 to Gonzalez. Claims 1-10, 13-16 and 19 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Alonso (U.S. Patent No. 3,375,604) in view of Numoto (U.S. Patent No. 5,380,233) and U.S. Patent Application Publication No. 2003/0171062 A1 to Gonzalez. Finally, claims 1-13 and 15-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over McCurdy (U.S. Patent No. 3,464,146) in view of Numoto (U.S. Patent No. 5,380,233) and U.S. Patent Application Publication No. 2003/0171062 A1 to Gonzalez.

Claim 1, as amended, now provides for:

1. (AMENDED) A manipulative toy configured in the shape of an animal having a head, tail, arms, legs or wings comprising:

a body configured in the shape of an animal, said body having a front, back and sides and further having at least one planar a plurality of planar surfaces surface disposed on the sides thereof thereon, said planar surfaces being recessed below the surface of said body and bounded on the upper portion thereof by an arcuate ridge, wherein the location of said planar surfaces on the sides of said body corresponds to the location of the arms, legs or wings of said animal, and further including a planar surface at the front of said body, said planar surface corresponding in location to the head of said animal, and further including a planar surface at the back of said body, said planar surface corresponding in location to the tail of said animal;

a plurality of appendages each at least one appendage having at least one planar surface disposed at the an end thereof, said planar surface on said appendage corresponding to said planar surface on said body, said appendages being configured in the shape of the head, tail, legs or wings of said animal;

means disposed on both said body and said at least one appendage for removably attaching said appendage to said body at said respective planar surfaces,

wherein said ridge serves to conceal the attachment of said appendages to said body and to limit the motion of said appendage attached to said body; and
means for limiting the rotational and linear movement of said appendage relative to said body.

The significance of the subject invention as defined by Claim 1 (amended) is that it provides manipulative toy configured in the shape of an animal having a plurality of appendages, said appendages including head, tail arms, legs and/or wings. These appendages are removably attached to the body of the toy so as to simulate the physiology of the animal itself. Specifically, the attachment points for the arms and legs are designed so as to mimic the actual connection on the actual animal, including a shoulder or recessed attachment point. The recessed attachment point also serves to limit the movement of the appendage relative to the body.

The references cited by the Examiner fail to teach or suggest such a unique combination. The patent to Caputi (U.S. Patent No. 5,980,260) was cited by the Examiner to show a replica of a prehistoric lizard having interchangeably attachable replica head, neck, limb and/or body armor parts which combine to depict different species within a given biological Order. The Examiner acknowledges that Capito does not teach or suggest the specific means for limiting the rotational and linear movement claimed in the present invention; however, he argues that Numoto teaches such a means for attachment. Applicants' respectfully disagree with the Examiner's conclusions relative to Numoto. Numoto neither teaches nor suggests the specific attachment means claimed in the present invention whereby the appendages are attached to the animal's body using corresponding magnetic ribbed elements situated on planar surfaces disposed on both the appendage and on the body wherein the planar surfaces are recessed below the outer surface of the body such that the plane of attachment is hidden by the appendage and toy, thereby rendering

a more realistic and lifelike appearance to the animal. Numoto also does not teach nor suggest the specific ball-and-socket-type joint contemplated and claimed in the present invention. Finally, the magnetic element claimed in the present invention is limited to a small magnet located within the raised or recessed ribbed structure, whereas the entire robot body in Numoto comprises a magnet sandwiched between two magnetic plates. Such a configuration teaches away from the current invention, since the appendages in Numoto could conceivably be attached to any part of the robot body. The goal of the present invention is to present a realistic and lifelike representation of an animal, which illusion would be shattered if the head of the animal could simply be attached to the top or underbelly of the animal by means of magnetic attraction.

The patent application to Gonzalez cited by the Examiner likewise does not disclose the particular attachment means of the present invention. Gonzalez teaches a toy figure having magnetic elements disposed within a planar surface of the body. However, these magnetic elements serve only to attach a secondary template, such as articles of clothing, to a main template, specifically the flat figure of a human figure, in the same way paper dolls may be dressed up in various articles of clothing. Gonzalez neither teaches nor suggests the unique attachment means of realistic appendages to the body of a three-dimensional manipulative toy wherein the appendages are allowed to be posed in a realistic and lifelike representation of the animal.

The Examiner's reliance on Alonso, which teaches a toy having magnetically retained parts and to McCurdy which similarly discloses a doll having a rotatable head and interchangeable front and back parts, is similarly misplaced inasmuch as neither patent teaches the specific attachment means of the present invention, which attachment means allows for the

rotation of an appendage relative to the body of an animal being represented by the toy while limiting the movement of the appendage relative to the body of the toy so as to allow the toy to be positioned in various poses and prevent movement of the body relative to the appendages, while concealing the means of attachment for various appendages and creating a more realistic and lifelike representation of the actual joints of the animal.

Applicants also respectfully disagree with the conclusion reached by the Examiner relative to the size of the ribs as being merely a matter of design choice. Applicants experimented with ribs of varying sizes and shapes, and likewise experimented with the planar surfaces being various sizes and shapes, and concluded that the sizes as claimed, namely 0.75 mm width and depth for the ribs and a diameter of approximately 9.75 mm for same, and planar surfaces being approximately 19 mm and 21 mm for the appendage and body. It was imperative that the ribs be sufficiently deep so as to allow engagement therebetween, but not so large that the interlocking ribs prevent rotation of the appendage relative to the body once the attractive forces of the magnets are applied. The sizes of the planar surfaces are also ideally suited so as to provide sufficient surface area to allow for a stable surface between the appendages and the body, while not being so large as to overwhelm the body of the animal. The larger size of the planar surface on the body is crucial so as to allow for sufficient clearance between the recess on the body and the appendage itself.

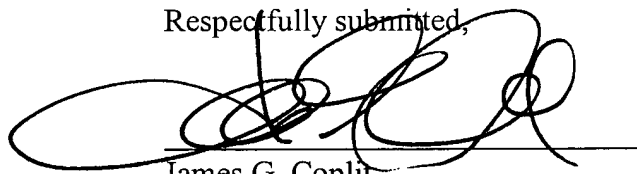
For the aforementioned reasons, applicant submits that amended claim 1 patentably distinguishes over the references cited by the Examiner taken alone or in combination. None of these references teach or suggest the unique combination of the support platform for a disc-

shaped media with rigid or semi-rigid member having an opening therethrough corresponding to the shape and size of the upper portion of the support platform. Independent claims 15 and 19 have similarly been amended so as to include the same limitations provided in claim 1 (amended) and therefore patentably distinguish over the references cited by the Examiner.

Applicant further submits that dependent claims 2-11, 12-14 and 16-17 patentably distinguish over the references of record for the same reason as claims 1 and 15 (amended), and are therefore also in condition for immediate allowance.

In light of the amendments and remarks, applicant respectfully submits that this application is now in condition for allowance, and an early Notice of Allowance is hereby respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James G. Coplit', is written over a horizontal line. The signature is stylized with loops and flourishes.

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